

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

7/20/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00454SOM  
CASE NAME: USA vs. (02) Hector Ferrer  
ATTYS FOR PLA: Florence Nakakuni  
Ty Torco (ATF)  
ATTYS FOR DEFT: 02 Birney Bervar  
Carter Lee (USPO)

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JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 7/20/2006

TIME: 2:25 - 3:00

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COURT ACTION: EP: Sentencing to Count 1 of the Indictment; Government's Motion for Downward Departure -

Defendant (02) Hector Ferrer present and in custody.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

Government's Motion for Downward Departure - Granted.

ADJUDGED:

Imprisonment: 57 Months.

Supervised Release: 4 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) FDC Honolulu; 2) Vocational and Educational Programs; 3) 500 Hour Comprehensive Drug Treatment Program.

Government's Motion to Dismiss Count 2 as to this Defendant only - Granted.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.